

**UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS**

UNITED STATES)	CASE NO. : 03CR10349WGY
)	
)	
v.)	
)	
JUAN MONTERO,)	
DEFENDANT)	

**SECOND MOTION TO CONTINUE DATE FOR FILING OBJECTIONS
TO PSR AND DATE FOR SENTENCING**

The defendant moves that this Honorable Court continue the date for filing objections to the PSR and the date for sentencing. This Honorable Court granted a similar motion on 4/12/2005. The defendant states as reason in support thereof that since the prior motion to extend time was granted, counsel has diligently attempted to obtain court documents from three different courts. Although the probation officer was unable to get any photograph or fingerprint to verify that Mr. Montero was actually the same person convicted of a drug offense in Brockton, Docket # 9515CR005904A, after writing numerous letters, defendant's counsel was able to obtain a photograph showing that Mr. Montero was not the same man convicted in Brockton and has provided the photograph to probation. Counsel

anticipates that the PSR will be changed to reflect the fact that the prior Brockton conviction was not attributable to the defendant in this case.

Defendant's counsel has visited Lynn District Court in search of documents, written and called previous defense counsel, District Attorneys Offices and criminal court clerks. Communication with Mr. Montero has been slowed by his limited English language skills. Counsel has finally been able to obtain the pertinent documents that appear to be available, but some of the files still seem to be missing. There may well be a likelihood that improper colloquies were conducted¹, and pleadings have been drafted and are ready to be filed after defendant executes two affidavits .

Wherefore, the defendant requests that this Honorable court postpone the date for sentencing until mid-July, by which time counsel can complete his work to rectify Mr. Montero's criminal record, and postpone the time for filing objections to the pre-sentence report.

¹In the Fitchburg District Court case, Docket # 9916CR000617A, the judge did not sign the plea form certifying that an oral colloquy was conducted and in the Lynn District Court case, Docket # 9413CR3395A, the alien warning provided to the defendant was arguably misleading.

Defendant's counsel has conferred with AUSA William Weinreb, who
assents to this Motion to Continue.

JUAN MONTERO
By his attorney,

/s/ John Salsberg
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Dated: May 19, 2005